

FIRST REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 539**  
95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHAEFER.

Offered March 31, 2009.

Senate Substitute adopted, March 31, 2009.

Taken up for Perfection March 31, 2009. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

2062S.05P

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**AN ACT**

To repeal sections 640.107, 640.150, 644.054, and 644.101, RSMo, and to enact in lieu thereof six new sections relating to environmental protection, with an emergency clause.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 640.107, 640.150, 644.054, and 644.101, RSMo, are  
2 repealed and six new sections enacted in lieu thereof, to be known as sections  
3 204.659, 640.107, 640.150, 640.160, 644.054, and 644.101, to read as follows:

**204.659. No person who owns real property that is used for  
2 residential purposes within the district boundary of a district created  
3 under article VI, section 30 of the Missouri Constitution shall be  
4 assessed any fee, charge, or tax for storm water management services  
5 if the district does not directly provide sanitary sewer services to such  
6 property.**

640.107. 1. There is hereby established, as a subfund of the water and  
2 wastewater fund established in section 644.122, RSMo, the "Drinking Water  
3 Revolving Fund", which shall be maintained and accounted for separately, and  
4 which shall consist of moneys from all lawful public and private sources including  
5 legislative appropriations, federal capitalization grants, interest on investments  
6 and principal and interest payments with respect to loans made from the  
7 drinking water revolving fund. Money in the drinking water revolving fund may

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

8 be used only for purposes as are authorized in the federal Safe Drinking Water  
9 Act, as amended **and the American Recovery and Reinvestment Act of**  
10 **2009 as enacted by the 111th United States Congress.**

11 2. The commission shall, consistent with the requirements of the federal  
12 Safe Drinking Water Act **and the American Recovery and Reinvestment**  
13 **Act of 2009** for the drinking water revolving fund to become eligible for  
14 capitalization grants from the United States Environmental Protection Agency,  
15 establish criteria and procedures for the selection of projects and the making of  
16 loans or the grant of loan subsidies for disadvantaged communities.

17 3. After providing for review and public comment, and in accordance with  
18 the requirements for such plans set forth in the federal Safe Drinking Water Act,  
19 the commission shall annually prepare an intended use plan for the funds  
20 available in the drinking water revolving fund.

21 4. Consistent with the requirements of the federal Safe Drinking Water  
22 Act, and only to the extent funds are available to be obligated for eligible projects  
23 of public water systems, in developing its annual intended use plan, the  
24 commission shall make available no less than thirty-five percent, but may make  
25 available greater than thirty-five percent, of the moneys credited to the drinking  
26 water revolving fund solely for project loans and loan subsidies for projects of  
27 systems serving fewer than ten thousand people in accordance with the following:

28 Systems Serving:	Percentage:
29 0 - 3,300 people	20%
30 3,301 - 9,999 people	15%

31 provided that, in any fiscal year, loan subsidies may not exceed the maximum  
32 percentage as specified in the federal Safe Drinking Water Act. In any fiscal year  
33 in which there are insufficient applicants and projects in the population  
34 categories listed in this subsection to allocate the percentages of funds specified  
35 pursuant to this subsection, any balance of funds otherwise reserved for systems  
36 serving fewer than ten thousand people shall be available for obligation to eligible  
37 projects from any eligible applicant. Such uncommitted balances shall be  
38 redistributed in accordance with the intended use plan.

39 5. The department shall make available two percent of the moneys from  
40 the federal capitalization grants received pursuant to this section for training and  
41 technical assistance to public water systems serving fewer than ten thousand  
42 people. Training and technical assistance provided pursuant to this subsection  
43 shall be consistent with rules of the commission.

44           **6. The state may provide assistance, as funds are available,**  
45 **pursuant to this chapter, to any eligible public water system pursuant**  
46 **to the federal Safe Drinking Water Act, as amended, to assist in the**  
47 **construction of public drinking water facilities as authorized by the**  
48 **commission. Further, the state may provide additional assistance or**  
49 **subsidies to any eligible entity as described in this subsection in the**  
50 **form of principal forgiveness, negative interest loans, grants, or any**  
51 **combination thereof, to the extent allowed by the federal Safe Drinking**  
52 **Water Act or American Recovery and Reinvestment Act of 2009, as**  
53 **enacted by the 111th United States Congress, and within the process**  
54 **provided by the Missouri Constitution and revised statutes of the state**  
55 **of Missouri.**

640.150. 1. The department of natural resources shall be vested with the  
2 powers and duties prescribed by law and shall have the power to carry out the  
3 following activities:

4           (1) Assessing the impact of national energy policies on this state's supply  
5 and use of energy and this state's public health, safety and welfare;

6           (2) Consulting and cooperating with all state and federal governmental  
7 agencies, departments, boards and commissions and all other interested agencies  
8 and institutions, governmental and nongovernmental, public and private, on  
9 matters of energy research and development, management, conservation and  
10 distribution;

11           (3) The monitoring and analyzing of all federal, state, local and  
12 voluntarily disclosed private sector energy research projects and voluntarily  
13 disclosed private sector energy related data and information concerning supply  
14 and consumption, in order to plan for the future energy needs of this state. All  
15 information gathered shall be maintained, revised and updated as an aid to any  
16 interested person, foundation or other organization, public or private;

17           (4) Analyzing the potential for increased utilization of coal, nuclear, solar,  
18 resource recovery and reuse, **landfill gas**, energy efficient technologies and other  
19 energy alternatives, and making recommendations for the expanded use of  
20 alternate energy sources and technologies;

21           (5) **Entering into cooperative agreements with other states,**  
22 **political subdivisions, private entities, or educational institutions for**  
23 **the purpose of seeking and securing federal grants for the department**  
24 **and its partners in the grants;**

25           **(6)** The development and promotion of state energy conservation  
26 programs, including:

27           (a) Public education and information in energy related areas;

28           (b) Developing energy efficiency standards for agricultural and industrial  
29 energy use and for new and existing buildings, to be promoted through technical  
30 assistance efforts by cooperative arrangements with interested public, business  
31 and civic groups and by cooperating with political subdivisions of this state;

32           (c) Preparing plans for reducing energy use in the event of an energy or  
33 other resource supply emergency.

34           2. No funds shall be expended to implement the provisions of this section  
35 until funds are specifically appropriated for that purpose. **In order to carry**  
36 **out its responsibilities under this section, the department may expend**  
37 **any such appropriated funds by entering into agreements, contracts,**  
38 **subgrants, or cooperative arrangements under various terms and**  
39 **conditions in the best interest of the state with other state, federal, or**  
40 **interstate agencies, political subdivisions, not-for-profit entities or**  
41 **organizations, educational institutions, or other energy-using sectors**  
42 **or entities.**

**640.160. 1. There is hereby created in the state treasury the**  
2 **"Energy Futures Fund", which shall consist of money appropriated by**  
3 **the general assembly or received from gifts, bequests, donations, or**  
4 **from the federal government. The state treasurer shall be custodian of**  
5 **the fund and may approve disbursements from the fund in accordance**  
6 **with sections 30.170 and 30.180, RSMo. Notwithstanding the provisions**  
7 **of section 33.080, RSMo, to the contrary, any moneys remaining in the**  
8 **fund at the end of the biennium shall not revert to the credit of the**  
9 **general revenue fund. The state treasurer shall invest moneys in the**  
10 **fund in the same manner as other funds are invested. Any interest and**  
11 **moneys earned on such investments shall be credited to the fund.**

12           **2. Upon appropriation, the department of natural resources may**  
13 **use moneys in the fund created under this section for the purposes of**  
14 **carrying out the provisions of sections 640.150 to 640.160 including, but**  
15 **not limited to, energy efficiency programs, energy studies, energy**  
16 **resource analyses, or energy projects. After appropriation, the**  
17 **department may also expend funds for the administration and**  
18 **management of energy responsibilities and activities associated with**  
19 **projects and studies funded from the energy futures fund.**

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except  
2 for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section  
3 644.052, become effective October 1, 1990, and shall expire December 31, [2009]  
4 **2010**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section  
5 644.052 shall become effective August 28, 2000, and shall expire on December 31,  
6 [2009] **2010**. The clean water commission shall promulgate rules and regulations  
7 on the procedures for billing and collection. All sums received through the  
8 payment of fees shall be placed in the state treasury and credited to an  
9 appropriate subaccount of the natural resources protection fund created in section  
10 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation,  
11 solely for the administration of sections 644.006 to 644.141. Fees collected  
12 pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a  
13 public water district or other publicly owned treatment works are state fees. Five  
14 percent of the fee revenue collected shall be retained by the city, public sewer  
15 district, public water district or other publicly owned treatment works as  
16 reimbursement of billing and collection expenses.

17 2. The commission may grant a variance pursuant to section 644.061 to  
18 reduce fees collected pursuant to section 644.052 for facilities that adopt systems  
19 or technologies that reduce the discharge of water contaminants substantially  
20 below the levels required by commission rules.

21 3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on  
22 the date of application and on each anniversary date of permit issuance thereafter  
23 until the permit is terminated.

24 4. There shall be convened a joint committee appointed by the president  
25 pro tem of the senate and the speaker of the house of representatives to consider  
26 proposals for restructuring the fees imposed in sections 644.052 and 644.053. The  
27 committee shall review storm water programs, the state's implementation of the  
28 federal clean water program, storm water, and related state clean water  
29 responsibilities, and evaluate the costs to the state for maintaining the  
30 programs. The committee shall prepare and submit a report, including  
31 recommendations on funding the state clean water program, and storm water  
32 programs, to the governor, the house of representatives, and the senate no later  
33 than December 31, 2008.

644.101. The state may provide assistance, as funds are available,  
2 pursuant to this chapter, to any county, municipality, public water district, public  
3 sewer district, or any combination of the same, or any entity eligible pursuant to

4 the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended,  
5 to assist them in the construction of public drinking water and water pollution  
6 control projects as authorized by the clean water commission. The state may  
7 provide assistance pursuant to this chapter, including but not limited to the  
8 purchase of water and/or wastewater revenue or general obligation bonds, bonds  
9 of any county, instrumentality of the state, state entity, municipality, public  
10 sewer district, public water district, community water system, nonprofit  
11 noncommunity water system or any combination of the same, or any entity  
12 eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean  
13 Water Act, as amended. **Further, the state may provide additional**  
14 **assistance or subsidies to any eligible entity as described in this section**  
15 **in the form of principal forgiveness, negative interest loans, grants, or**  
16 **any combination thereof, to the extent allowed by the American**  
17 **Recovery and Reinvestment Act of 2009, as enacted by the 111th United**  
18 **States Congress, and within the process provided by the Missouri**  
19 **Constitution and revised statutes of the state of Missouri.**

Section B. Because of the need to distribute funds from the American  
2 Recovery and Reinvestment Act of 2009 in an efficient and timely manner, section  
3 A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace and safety, and is hereby declared to be an emergency act  
5 within the meaning of the constitution, and section A of this act shall be in full  
6 force and effect upon its passage and approval.

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